



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 15/12/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD). No.19970 of 2021

WEB COPY

1. Ranjith,
2. Kathalingam @ Selvabharathi, ... Petitioners/Accused No.3&4

Vs

State Rep.by
The Inspector of Police,
Town West Police Station,
Thanjavur District.
Cr.No.1698 of 2021. ... Respondent/Complainant

For Petitioner : M/s.Senthil Murugan.C,
Advocate.
For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.1698 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused No.3 and 4, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 of IPC r/w 21(1) of Mines and Minerals Act, 1957, in Crime No.1698 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have illegally transported one and a half unit of river sand by using vehicle bearing registration No.TN-49-X-2130. Therefore, the present case came to be registered.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. However, to show their bona fide, the petitioners have come forward to pay a sum of Rs.22,500/- (Rupees Twenty Two Thousand and Five Hundred only) to the credit of Cr.No.1698 of 2021 before the trial Court concerned.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioners have transported 1½ unit of river sand illegally by using their vehicle. He further



submitted that there is two previous case pending against the first petitioner herein and no previous case pending against the second petitioner.

5. Considering the nature of the mineral involved, the antecedents of the petitioners and their willingness to pay a sum of Rs.22,500/- (Rupees Twenty Two Thousand and Five Hundred only) to the credit of Crime Number, this Court is inclined to grant anticipatory bail to the second petitioner.

6. Accordingly, this Criminal Original Petition is allowed on condition that the second petitioner shall deposit a sum of Rs.22,500/- (Rupees Twenty Two Thousand and Five Hundred only) to the credit of Cr.No.1698 of 2021 before the trial Court concerned, without prejudice to his rights and contentions before the trial Court.

7. On such deposit being made, the second petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.I, Thanjavur, on condition that the second petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the second petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The second petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The second petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

9. Since the first petitioner is having two previous cases similar in nature, this Court is not inclined to grant anticipatory bail to the first petitioner and this Criminal Original Petition is dismissed in respect of the first petitioner.

sd/-
15/12/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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- TO
1. The Judicial Magistrate No.I, Thanjavur.
 2. Do-Through The Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.
 3. The Inspector of Police,
Town West Police Station,
Thanjavur District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.C.SENTHIL MURUGAN, Advocate (SR-9444[I] dated
17/12/2021)

ORDER
IN
CRL OP(MD) No.19970 of 2021
Date :15/12/2021

RS/VR/SAR4(22.12.2021) 3P-6C